IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3575 OF 2004

Sanjay Santan @ Santaram Sathye ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.T.E.Mane for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 6, 2004.

P.C.

. Heard Counsel for the parties. Perused the record.

. It is seen that two versions are available on record. There is substance in the submission canvassed on behalf of the applicant that in the first statement which is given, there is not even a suggestion that the applicant was responsible for the death or that the death was caused because of

non-compliance of the demand made by the applicant. Indeed, the prosecution has relied on extra judicial confession, but the statements of neighbours would suggest that there was no untoward situation preceding the death of deceased Swati. The recovery of the rope from the accused under Section 27 of the Indian Evidence Act, 1872, is the only incriminating material at this stage. However, since investigation is already completed and there is some material to show the innocence of the applicant, coupled with the fact that the trial of the case is bound to take some time and taking totality of the circumstances into account, the applicant deserves to be enlarged on bail on the following conditions:

(1) The applicant shall furnish personal bond with two sureties in the amount of Rs.25,000/- (Rupees Twenty Five Thousand) each.

(2) Applicant shall report to the concerned Police Station once a week, during the pendency of the trial.

(3) The applicant shall not leave the jurisdiction of the concerned Police Station,

without prior intimation.

(4) The applicant shall make himself available on all the dates before the Trial Court during the trial and shall extend full co-operation for early disposal of the case.

(5) The applicant shall not himself or cause to influence the prosecution witnesses in any manner whatsoever or tamper with the prosecution evidence.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.